

California Marine Life Protection Act Initiative Blue Ribbon Task Force

MEMORANDUM

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To: MLPA Blue Ribbon Task Force
From: John Kirlin, Executive Director
Subject: Summary of "Lessons Learned" consultants' reports
Date: August 21, 2006

The MLPA Initiative commissioned two 'lessons learned' reports. Mike Hardy and DeWitt John collaborated on an examination of the overall operations of the initiative, while Jonathan Raab focused on the work of the MLPA Central Coast Regional Stakeholder Group.

After a short overview of the initiative to place what follows in context, this document provides a summary of findings and recommendations from the external consultant reports. In a separate document, I will suggest possible BRTF recommendations.

Overview of the Initiative

California is a recognized leader in efforts to effectively manage and protect ocean resources. A key management shift over the past decade has been to emphasize protection of marine ecosystems over individual species. The Marine Life Protection Act ("MLPA"), enacted in 1999, takes this approach.

The MLPA vests authority for creating and implementing a Marine Life Protection Program (MLPP) with the California Fish and Game Commission ("commission") and the California Department of Fish and Game (DFG). DFG made two attempts from 2000-2003 to implement the MLPA (MLPA 1 and MLPA 2). Both fell short of producing a MLPP or MPA networks along California's 1,100 miles of coast. A separate Channel Islands effort resulted in a commission vote to establish MPAs, but the process generated significant lingering controversy and is not typically characterized as a success.

Governor Arnold Schwarzenegger took office in November 2003 during a period of political ferment and severe budget shortfalls. His platform included a commitment to ocean protection, and the new secretary for resources, Mike Chrisman, began working with representatives from the Resources Legacy Fund Foundation (RLFF), a private philanthropic

group, and L. Ryan Broddrick, the new director of DFG, to implement the MLPA using a public-private model. Extended negotiations during early 2004 resulted in a groundbreaking memorandum of understanding (MOU) for a Marine Life Protection Act Initiative.

Key elements of the MOU were:

- Private funding and contracting through RLFF rather than through state mechanisms
- Focus on an area of the central coast as a pilot
- Creation of an MLPA Central Coast Regional Stakeholder Group (CCRSG) to develop alternative networks of MPAs
- Creation of an MLPA Blue Ribbon Task Force of distinguished people experienced in public policy but not directly associated with MPA issues, whose task was to oversee the CCRSG effort and deliver alternatives to DFG and the commission for a decision
- Professional staff to support the BRTF and maintain a tight project focus
- Use of an MLPA Master Plan Science Advisory Team that would not design MPAs but rather support alternatives development
- Creation of a master plan framework to support development of the MLPP in phases
- Ambitious deadlines that included delivering a draft master plan framework to the commission by May 2005 and a proposal for alternative networks of MPAs by March 2006
- A partnership among the signatories: the California Resources Agency, DFG and RLFF

Summary of Findings and Recommendations Concerning an MOU, Role of a BRTF and other Organizational and Financial matters (report and page numbers noted)

Finding 1. There is no question that the Initiative has been significantly more successful than earlier efforts to implement the MLPA, even before a decision by the commission. *Harty/John, p. 2.*

Finding 2. The initiative processes and the BRTF recommendations provided a sufficient foundation for decision-making by the commission. *Harty/John, p. 3, 6-8.*

Finding 3. The key elements of the initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor. *Harty/John, p. 3, 8-12*

Finding 4. There is no conclusive reason at this time why the basic structure and approach of the initiative cannot be replicated for the next study area. There are a number of issues and open questions, including: *Harty/John, p. 3, 12-14.*

- the availability of private funding
- the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the initiative
- the availability of key DFG staff to focus intensively on the next area

- the extent to which key stakeholders, particularly consumptive interests, will endorse the initiative model following the commission's ultimate decision for the central coast.

Recommendation 1. The basic initiative structure -- a BRTF with contract staff, RSG, SAT, and effective DFG involvement – is the best option for the next study area, with limited modifications based on lessons learned. *Harty/John, p. 3.*

Recommendation 2. The State of California should negotiate a new memorandum of understanding with the Resources Legacy Fund Foundation or other entities to ensure adequate funding for future study areas as well as for implementation of commission decisions about MPAs along the central coast. *Harty/John, p. 3.*

- a. The California Resources Agency and DFG should open discussions with RLLF and other private entities about funding for management of MPA networks.
- b. RLFF and all private funders must work with the other signatories, BRTF, and staff to ensure separation and clear boundaries.
- c. The signatories should consider whether other funders, or non-profit entities, might become part of the public-private partnership.

Recommendation 3. The Department of Fish and Game should have the same roles and responsibilities in the next study area but should participate more proactively in the regional stakeholder process and should focus a substantial portion of its new resources on implementation of the commission's decisions to establish MPA networks along the central coast. *Harty/John, p. 3.*

- a. With respect to an RSG in the next study area, DFG should engage more directly with regional stakeholders as they develop packages of proposed MPA networks.
- b. The Resources Agency and DFG, with appropriate support from other elements of the initiative, should establish a specific goal of building the capacity of DFG, particularly the Marine Region, to effectively expand its role in future MPA design processes while at the same time implementing MPAs adopted by the commission.
- c. DFG should foster local relationships between its MPA staff and stakeholders to support both design and long-term implementation.
- d. Future study area planning should build on DFG's experience with implementing and managing MPAs.

Recommendation 4. A Blue Ribbon Task Force should play a central role in the next study area as it did for the initiative. *Harty/John, p. 4.*

- a. The criteria for appointment of BRTF members should remain the same.
- b. Two or three members of the central coast BRTF might be appointed to the new BRTF to provide continuity.
- c. The new BRTF should develop operating guidelines for its work in the next study area.

- d. The BRTF should value consensus and carefully weigh the potential consequences for the overall process before creating its own package of alternatives, or modifying stakeholder packages on its own, when working with a RSG in the next study area.
- e. BRTF members should plan to participate in all BRTF meetings.
- f. The BRTF, DFG and commission should seek opportunities to promote integrated decision making for the next study area, and BRTF members should also maximize opportunities for informal discussions.
- g. The BRTF should focus on key issues linked to MPA network design and implementation and limit the time it spends on local user conflicts if these are not significant for overall network effectiveness.

Recommendation 5. The responsibility for managing the next study area should remain with private sector staff hired under the public-private partnership. *Harty/John. p. 4.*

- a. The basic principles used to manage the Initiative so far should continue.
- b. The BRTF chair should continue to hire an executive director with the same role and responsibilities.
- c. The executive director should continue to have significant flexibility in hiring project staff and consultants and should not be constrained by DFG hiring and contracting requirements.
- d. Roles, responsibilities, and expectations among DFG, the BRTF, and staff should be addressed explicitly at the beginning of a new study area.

Recommendation 6. The Master Plan Science Advisory Team should continue in the same role in the next study area. *Harty/John. p. 5.*

- a. The SAT should support the BRTF and DFG but not “draw lines on a map.”
- b. DFG should retain final responsibility for appointing the SAT but should consult extensively with the next BRTF chair about SAT composition prior to making final choices.
- c. The SAT should make progress in addressing the challenges of bringing the “best scientific information available” to bear on the design of networks of MPAs.
- d. The SAT should be provided the resources needed to support the BRTF and DFG.
- e. The SAT should select its own co-chairs.
- f. The SAT should use professional facilitation services provided as part of overall support for its activities.
- g. The SAT members should not be compensated for their time, in order to protect their independence, but should continue to be reimbursed for expenses.

Recommendation 7. The commission, DFG, and the BRTF should collaborate to clarify two issues that were highly contentious in the central coast process – how to deal with conflicting scientific approaches to marine life protection, and how much information about socioeconomic impacts is required for decision-making about MPA network design. *Harty/John, p. 5.*

- a. Address the broad issue of integrating fisheries management, marine ecology, and MPA planning directly, at the start of planning in the next study area.
- b. Make a basic policy decision about the role of socio-economic information for the next study area.

Recommendation 8. In planning for the next study area there should be a thoughtful evaluation of potential “hot spots” and issues—a conflict assessment—and specific design choices should reflect this evaluation. *Harty/John, p. 5.*

Recommendation 9. Clarify Process From Start. *Raab, p. 7.*

Recommendation 10. Stabilize Underlying Policy, Science, and Enforcement Requirements Prior to Commencing. *Raab, p. 7.*

Recommendation 11. Reconsider the Respective Roles and Responsibilities of a SIG, SAT and BRTF in Future RSGs. *Raab, p. 7.*

Recommendation 12. Align the Incentives at the BRTF, DFG and Fish and Game Commission to Foster Joint Problem Solving and Consensus in RSG Processes. *Raab, p. 10.*

Recommendation 13. The BRTF and the DFG Should Not Unilaterally Change MPA Packages Agreed to by RSG Members. *Raab, p. 11.*

Recommendation 14. The BRTF (and Probably DFG) Should Not Develop Their Own Preferred Alternatives If RSG Members Develop Package(s) That Meet SAT Guidelines. *Raab, p. 11.*

Recommendation 15. Carefully Reevaluate Budget Needs in Light of Central Coast Project Experience and Future RSG Process Design. *Raab, p. 11.*

Recommendation 16. Seek State Funding, Diversified Private Funding, or Both. *Raab, p. 12.*

Recommendations Concerning Regional Stakeholder Processes

Recommendation 17. Consider Changing the Overall Goal and Focus of the RSG Processes From Developing Multiple MPA Packages to Attempting to Develop a Single MPA Package. *Raab, p. 9.*

Recommendation 18. Lengthen RSG Processes to at Least One Year to Allow For More Joint Fact-Finding and Negotiation. *Raab, p. 11.*

Recommendation 19. Consider Allowing More Time Between Meetings. *Raab, p. 11.*

Recommendation 20. Reconsider the Balance and Diversity of RSG Membership While Reducing the Number of Formal Members in RSG Processes. *Raab, p. 7.*

Recommendation 21. Let Primary Representatives Pick Their Own Alternates. *Raab, p. 8.*

Recommendation 22. Retain Facilitators/Mediators Early Enough to Assist With Stakeholder Selection. *Raab, p. 8.*

Recommendation 23. Compile Regional Spatial Data, Develop Detailed Regional Profiles, and Analyze Existing MPAs Before Commencing Each New Study Area. *Raab, p. 8.*

Recommendation 24. Socio-economic requirements Should be Clarified and any Required Study Should also be Completed Prior to the Start of an RSG Process. *Raab, p. 8.*

Recommendation 25. Enhance the Regional Profile with Joint Fact-Finding on Coastal Resources and Uses (by Sub-Region). *Raab, p. 8.*

Recommendation 26. Clearly Define and Describe From the Outset the CCRSG Goal and Process and the Subsequent Decision-Making Processes, as Well as Any Explicit Requirements That Must Be Met. *Raab, p. 8.*

Recommendation 27. Streamline or Eliminate Altogether the Development of Regional Goals and Objectives. *Raab, p. 9.*

Recommendation 28. Provide Training in Modeling Tools and Mutual Gains Negotiation. *Raab, p. 9.*

Recommendation 29. Provide More Time for MPA Package Development and Negotiation. *Raab, p. 9.*

Recommendation 30. Skip Having Everyone Draw Individual MPAs Prior to Focusing on Creating Packages. *Raab, p. 9.*

Recommendation 31. Minimize the Need for MPA Proposals From Outside the RSG Process. *Raab, p. 10.*

Recommendation 32. DFG Staff Should Participate Even More Actively in Package Development in RSG Processes. *Raab, p. 10.*

Recommendation 33. BRTF Should Provide Feedback and Guidance Throughout the MPA Package Development Process in an Iterative Fashion. *Raab, p. 10.*